

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
ALBANY DIVISION**

MARTIN L. HARRELL,

Petitioner,

v.

Action No. 1:07-cr-45 (HL)

UNITED STATES OF AMERICA,

Respondent.

ORDER

Before the Court are Petitioner Martin L. Harrell's Motion to Alter or Amend the Judgment under Rule 59(e) (Doc. 657) and Petitioner's Motion for Certificate of Appealability (Doc. 667). Both Motions petition the Court for the same relief – the grant of a certificate of appealability ("COA") to the Petitioner. Both Motions are denied.

The Magistrate Judge previously found, and this Court agreed, that a COA is not warranted in this case. In the Order adopting the Magistrate Judge's Report and Recommendation, this Court noted that "there has been no showing of a denial of a constitutional right in this case, and thus, a certificate of appealability is denied." (Doc. 655.) The Court finds no reason to disturb this previous finding. All of Petitioner's arguments that he raises in both of these Motions have either been previously addressed or were improperly raised below, and therefore, are not proper for the Court's consideration.

Despite Petitioner's repeated arguments that his constitutional rights were violated by what he deems was sub-par representation by his trial and appellate counsel, Mr. Edward Meeks, this Court does not agree that such a violation took place. A COA is not warranted in this case and both pending Motions are denied.

SO ORDERED, this 8th day of February, 2013.

s/ *Hugh Lawson*
HUGH LAWSON, SENIOR JUDGE

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